

~~THE FOLLOWING~~ 2d SESSION

S. 3390
H. R.

IN THE SENATE OF THE UNITED STATES

Referred to the Committee on and ordered to be printed.

Ordered to lie on the table and to be printed.

AMENDMENT

Intended to be proposed by Mr. Dominick, for himself and Mr. Bennett, Mr.
 Eastland, Mr. Stennis,
 to S. 3390 Mr. Tower, and Mr. Young (Insert title of bill below)

to amend the Foreign Assistance Act of 1961, and for other purposes, viz:

12:20 On page 00000 line 0000 insert the following:

Beginning on page 7, line 15, strike out all through line 10, page 8.

1257

Mr. President:

I offer an amendment to S. 3390, the Foreign Assistance Act, for the purpose of striking Section 515 on page 7 of the proposed bill.

Section 515, entitled "Limitations on Availability of Funds for Military Operations" is the same as Section 515 of last year's Foreign Military Assistance authorization bill, S. 2819. That section was deleted in the House-Senate Conference. As my colleagues are aware, this issue deals with highly sensitive and on-going military operations, so to explore the question in full detail would require a closed session of the Senate. When debate on Section 515 came up on the floor last year, Senator Stennis obtained the removal of South Vietnam, Cambodia and Burma from the provision. Senator Stennis agreed not to press for the removal of Laos at that time since time was of the essence in completing action on the bill. He did so with the understanding the question would be explored further in Conference. It was and Section 515 was subsequently deleted.

Mr. President, I think it is very important that the Senate act to strike this section now for a number of reasons, the most important of which is the direct conflict it poses to the Military Procurement Authorization Act and to appropriation of military assistance funds to Laos as administered by the Department of Defense.

Section 501(a)(1) of S. 3108, the Military Procurement Authorization for FY 73, which is now under consideration in the Senate Armed Services Committee, specifically authorizes funds to be made available to support:

"(A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1973 on such terms and conditions as the Secretary of Defense may determine."

This same provision was included in the Military Procurement Authorization for FY 1972 and was included as Section 838 (a) of the Department of Defense Appropriations Act of 1971, but both of those clauses passed by Congress last year, included Thailand as well as Laos in the authorized assistance for local forces. We have subsequently agreed that jurisdiction for military assistance to Thailand shall revert to jurisdiction of the Foreign Relations Committee and be included in the Foreign Military Assistance authorizations.

If Congress does not act to delete this section, it will in effect, obviate the funding assistance approved through DOD programs, and it will have the effect of reverting control of military assistance to Laos back to the Foreign Relations Committee. This is similar to the issue debated in connection with Senator Stennis' amendment which was adopted last week (June 13) deleting the section of S. 3390 which would have reverted jurisdiction

for military assistance to South Vietnam and Laos to the Foreign Relations Committee after FY 1973. Senator Stennis explained very well at that time that we are still involved in an active military situation, and in order to assure adequate support for required military actions, these considerations should remain under the Armed Services Committee and under DOD programs. Senator Stennis also reiterated his willingness to turn back jurisdiction for military assistance to Laos and South Vietnam to the Foreign Relations Committee as soon as the hostilities stop in Indo-China.

Senator Stennis also pointed out that this is not a question of jealously guarded committee jurisdiction or of which committee can better handle the issues. It is simply a matter of an active military situation requiring more than our peacetime Military Assistance Program should provide, and requiring decisions based on assessment of the military situation in the area. These questions rightfully fall under the jurisdiction of Defense Department programs in relation to programs in support of South Vietnamese troops.

Beyond the question of committee jurisdiction, I believe Section 515 would impose severe restrictions on our ability to assist Laos through the goal of regional cooperation and self-help. Laotian forces have been depleted over the many years of fighting communist infiltration, and in recent years they have relied heavily on

the assistance of Thai irregular forces to help in routing out communist sanctuaries. Their joint efforts to control the situation have certainly helped to control the flow of supplies and troops into South Vietnam, and have helped to retain a precarious balance in preventing further communist inroads into Thailand. This, of course, also contributes to the safe and orderly withdrawal of U.S. troops from South Vietnam.

Further, the provision of subsection (b) of Section 515 would impose impractical and undesirable requirements on executive actions without due regard for the President's responsibility in this field. Subsection (b) requires the President to submit to Congress in advance any proposed agreement whereby Congress would consider authorizing funds to support foreign troops. If Congress did give the authorization requested, the President would then be required to submit a copy of any agreement entered into and all plans and details of the operations undertaken.

Mr. President, subsection (b) of Section 515 would create serious security problems by requiring the Executive Branch to disclose to the Congress in advance detailed plans for proposed military operations to be undertaken by friendly foreign governments.

Frankly, Mr. President, I believe that Congress would be acting unwisely and irresponsibly to impose such a restriction on the President's ability to react in an area where we are still actively engaged in hostilities.

Aside from raising constitutional questions that may impair the President's authority to conduct negotiations with the affected countries, Section 515 could severely restrict the ability of the recipients themselves to react quickly in emergency situations. For example, it could prevent the victim of aggression from engaging in hot pursuit of an enemy after his territory is invaded, if the victim nation is a recipient of U.S. military assistance of any kind.

According to section 502 of the Foreign Assistance Act of 1961, as amended, a recipient nation may use military training and equipment provided by us for its legitimate self-defense. On the contrary, section 515 would require that the affected recipients of foreign security assistance allow the United States Congress to determine in advance what steps they can take in defending themselves from aggression.

There is no question that the evolving cooperative relationships among the free nations of Southeast Asia are consistent with the Charter of the United Nations. There is also no question that these cooperative arrangements are crucial to the success of the Vietnamization

program and to the whole thrust of the Nixon Doctrine. The primary objective of the Nixon Doctrine is to reduce the American military presence worldwide. The Nixon Doctrine in Southeast Asia means that as friendly nations assume more of the direct burden of the conflict the United States will increase its material assistance so as to help them help each other in defending themselves against a common enemy. U.S. support for these cooperative efforts is essential if they are to be successful.

Mr. President, at a time when the security of Southeast Asia hangs in the balance, it would be tremendously disruptive to give the North Vietnamese public notice that we will no longer support these cooperative efforts to prevent the communists from regrouping for future attacks on South Vietnam from bordering neutral countries.

I urge my colleagues to support my amendment to strike the entire Section 515.